

File No. **21487** 11. County: **FORD** Basin: **ARKANSAS RIVER** Stream: --- Formation Code: **211** Special Use: **016**

12. Points of Diversion
 CHK
 MOD
 DEL
 ENT

Rate and Quantity
 Authorized
 Additional

PDIV
 Qualifier S T R ID 'N 'W Comment (AKA Line) Rate gpm Quantity af Rate gpm Quantity af Overlap PD Files

CHK 50614

13. Storage: Rate _____ NF Quantity _____ ac/ft Additional Rate _____ NF Additional Quantity _____ ac/ft

14. Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____
 Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____

15. 5YR Allocation: Allocation Type _____ Start Year _____ 5 YR Amount _____ Amount Unit _____ Base Acres _____ Comment _____

16. Place of Use CHK MOD DEL ENT	PUSE	S	T	R	ID	NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files
						NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼				
MOD	3165	22	27	24W	2		31	13		40	37	40	40								201	8b & 8c	Y*	2851 & 19794	
MOD	25794	15	27	24W	1									34	34	33	33				134	8b & 8c	Y*	2851 & 19794	
ENT	8862	16	27	24W	3													34	34	34	34	136	8b & 8c	Y*	2851 & 19794

Base Acres: **NOT DETERMINED** Year: _____ Minimum Reasonable Quantity: _____
 Comments: ***ADD NEW PERSON ID FOR ONE OWNER AND ADDRESS CHANGE ON PERSON ID 53696.**

Submit completed application to:
 Kansas Department of Agriculture
 Division of Water Resources
 Field Office for your area.

Call for address:

Topeka -- (785) 296-5733
 Stafford -- (620) 234-5311
 Stockton -- (785) 425-6787
 Garden City -- (620) 276-2901
<http://agriculture.ks.gov/dwr>

DWR FIELD OFFICE APPLICATION FOR APPROVAL TO CHANGE THE PLACE OF USE AND/OR THE POINT OF DIVERSION



STATE OF KANSAS

WATER METER REQUIRED

Filing Fee Must Accompany the Application, K.S.A. 82a-708b(b), as amended.
 Fee Schedule is on the third page of this application form.

Paragraph Nos. 1, 2, 3 & 5 must be completed. Complete all other applicable portions. If change in point of diversion is greater than 100 feet, or if place of use will be changed, include a topographic map or detailed plat showing the authorized and proposed point(s) of diversion and/or place of use.

File No. 21487

1. Application is hereby made for approval of the Chief Engineer to change the (check one or both):

Place of Use Point of Diversion

under the water right which is the subject of this application in accordance with the conditions described below.

The source of supply is: Groundwater Surface water

RECEIVED
 10:08
 JUL 15 2021
 Stafford Field Office
 DIVISION OF WATER RESOURCES

2. Name and address of Applicant: Aaron Gerdes
11225 Upland Rd, Dodge City KS 67801

Phone Number: (620)338-6151 Email address: agerdesfarms@gmail.com

Name and address of Water Use Correspondent: Aaron Gerdes
11225 Upland Rd, Dodge City KS 67801

Phone Number: (620)338-6151 Email address: agerdesfarms@gmail.com

3. The presently authorized place of use is:
 Owner of Land ---- NAME: KayAnn Loudon Pilling // Ross William Loudon
 ADDRESS: 5240 Belsera Ct, Reno NV 89519-6159 // 1577 Belford Rd, Reno NV 89509-3907
 (If there is more than one landowner, attach supplemental sheets as necessary.)

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
15	27S	24W									34	34	33	33					134
22	27S	24W		31	13		40	37	40	40									201

4. If this application is for a change in place of use, it is proposed that the place of use be changed to:
 Owner of Land ---- NAME: KayAnn Loudon Pilling // Ross William Loudon
 ADDRESS: 5240 Belsera Ct, Reno NV 89519-6159 // 1577 Belford Rd, Reno NV 89509-3907
 (If there is more than one landowner, attach supplemental sheets as necessary.)

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
15	27S	24W									34	34	33	33					134
16	27S	24W													34	34	34	34	136
22	27S	24W		31	13		40	37	40	40									201

For Office Use Only: Code CPU Fee \$ 200 TR # _____ Receipt Date _____ Check # 2496

5. **Presently authorized point of diversion:**
 One in the SW Quarter of the SW Quarter of the NW Quarter of Section 22, Township 27 South, Range 24 W, in Ford County, Kansas, 2,650 feet North 5,130 feet West of Southeast corner of section. Authorized Rate 1,080 gpm Authorized Quantity 360 AF (Limited) Depth of well 165 (feet)
(DWR use only: Computer ID No. 04 GPS N/A feet North N/A feet West)
 This point will not be changed This point will be changed as follows: No change, point better described with GPS as follows:
Proposed point of diversion: (Complete only if change is requested or if existing point is better described by GPS)
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (E/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section. Proposed Rate _____ Proposed Quantity _____ Proposed well depth (feet) _____
 This point is: Additional Well Geo Center List other water rights that will use this point none

6. **Presently authorized point of diversion:**
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (E/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section. Authorized Rate _____ Authorized Quantity _____ Depth of well _____ (feet)
(DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows: No change, point better described with GPS as follows:
Proposed point of diversion: (Complete only if change is requested or if existing point is better described by GPS)
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (E/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section. Proposed Rate _____ Proposed Quantity _____ Proposed well depth (feet) _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

7. The changes herein are desired for the following reasons?
 (please be specific) Create a complete overlap in place of use between File Nos. 2851, 19794 & 21487

8. If a well, is the test hole log attached? Yes No

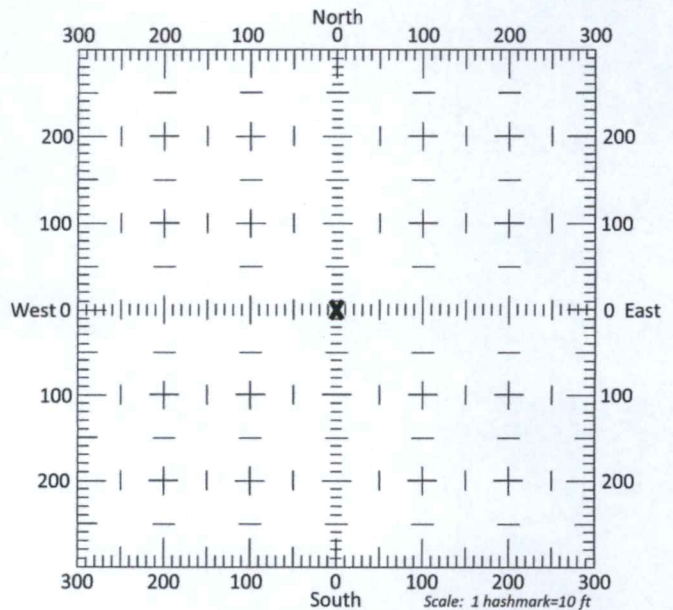
9. The change(s) ~~was~~(will be) completed by?
Upon Approval of Change

10. If the point of diversion is a well:
 (a) What are you going to do with the old well?
N/A
 (b) When will this be done? N/A

11. Groundwater Management District recommendation attached?
 Yes No
8/11/21 cpe

12. Assisted by EKF/SFFO

13a. If the proposed point of diversion will be relocated more than 300 feet but within 2,640 feet of the existing point of diversion, attach a topographic map or aerial photograph. For groundwater sources, show all wells (including domestic) within one-half mile of the proposed point of diversion and the names and mailing addresses of the owners. For surface water sources, show the names and addresses of the landowner(s) one-half mile downstream and one-half mile upstream from your property lines



13b. If the proposed point of diversion will be relocated within 300 feet of the existing point of diversion, indicate its location on the diagram shown above in relation to the existing point of diversion. **(PLEASE NOTE: The "X" in center of diagram above represents the presently authorized point of diversion.)**

RECEIVED

14. If the proposed groundwater point of diversion is 300 or fewer feet from the existing point of diversion, complete the following:
- (a) Does the undersigned represent all owners of the currently authorized place(s) of use identified in this application?
 Yes No (If no, all owners must sign this application.)
 - (b) Will the ownership interest of any owner of the currently authorized place(s) of use identified in this application be adversely affected if this application is approved as requested?
 Yes No (If yes, all owners must sign this application.)
 - (c) If this application is not approved expeditiously, will there be substantial damage to property, public health or safety?
 Yes No (If no, all owners must sign this application.)

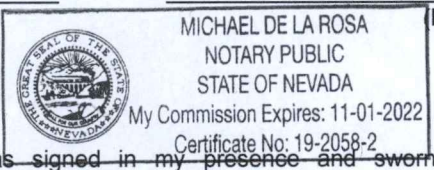
If the application proposes a surface water change in point of diversion, a groundwater change in point of diversion greater than 300 feet, or a change in place of use, the application must be signed by all owners of the currently authorized place of use, or their duly authorized agent (attach notarized statement authorizing representation).

I hereby verify, being first duly sworn upon my oath or affirmation and under penalty of perjury, that I am of lawful age and the owner, the spouse of the owner, or a duly authorized agent of the owner(s) to make this application on their behalf, in regards to the water right(s) to which this application pertains. I further verify that the statements contained in this application are true, correct and complete.

Dated at Washoe County, NV, this 12 day of July, 2021.

<u>Ross Loudon</u> (Owner)	
<u>Ross William Loudon</u> (Please Print)	
<u>KayAnn Pilling</u> (Owner)	
<u>KayAnn Loudon Pilling</u> (Please Print)	

State of Nevada }
 County of Washoe } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 12th day of July, 2021.

[Signature]
Notary Public

My Commission Expires 11/01/2022.

ONLY COMPLETE APPLICATIONS WILL BE PROCESSED. To be complete, all of the applicable portions of the application form must be completed with accurate information; maps, if necessary, must be included; signatures of all the appropriate owners' must be affixed to the application and notarized; and the appropriate fee must be paid.

FEE SCHEDULE

- Each application to change the place of use or the point of diversion under this section shall be accompanied by the application fee set forth in the schedule below: Make checks payable to: **Kansas Department of Agriculture**
- (1) Application to change a point of diversion 300 feet or less \$100
 - (2) Application to change a point of diversion more than 300 feet \$200
 - (3) Application to change the place of use \$200

RECEIVED
 JUL 15 2021
 File No. 21487

SUMMARY ORDER APPROVING APPLICATION FOR CHANGE AND IMPOSING CONDITIONS

This Summary Order is issued under authority of K.S.A. 82a-708b, as amended, and K.A.R. 5-5-1, *et seq.* and other applicable provisions of the *Kansas Water Appropriation Law, K.S.A. 82a-701 et. seq.*, and rules and regulations promulgated thereunder, With the exception of those conditions expressly contained herein, this Summary Order does not change the terms, conditions and limitations of File No. 21487.

1. A change application was received on July 15 2021 requesting that the place of use and / or point of diversion authorized under the above-referenced file number be changed as described in the application.
2. On and after the effective date of this summary order, the authorized place(s) of use shall be located substantially as shown on the topographic map accompanying the application to change the place of use. Applicable Not Applicable
3. The change in point of diversion shall not impair existing rights and shall be limited to the same source or sources of water as previously authorized. The point of diversion authorized by this summary order shall be located within a _____ foot radius of the authorized point(s) of diversion. Applicable Not Applicable
4. The point(s) of diversion described herein is administratively corrected to be more accurately described using the Global Positioning System (GPS), as described in the application. Applicable Not Applicable
5. The point(s) of diversion authorized herein shall not actually be located more than _____ feet from the previously authorized point(s) of diversion. Applicable Not Applicable
6. As required by K.A.R. 5-3-5d, if the works for diversion is a well with a diversion rate of 100 gallons per minute or more, a tube or other device suitable for making water level measurements shall be installed, operated and maintained in accordance with K.A.R. 5-6-13. Applicable Not Applicable
7. **The owner of the authorized place(s) of use shall properly install an acceptable water flow meter on or before December 31, 2021**, or before the first use of water, whichever occurs first. The water flow meter shall be installed, operated and maintained in accordance with K.A.R. 5-1-4 through 5-1-12. As required by K.S.A. 82a-732, as amended, and K.A.R. 5-3-5e, the owner shall maintain records and report the reading of the water flow meter and the total quantity of water diverted annually to the Chief Engineer by March 1 following the end of each calendar year.
 Applicable Not Applicable
8. **Installation of the works for diversion of water shall be completed on or before December 31, 20____**, or within any authorized extension of time. By March 1, 20____ the applicant shall notify the Chief Engineer that construction of the works for diversion has been completed, on the form provided by the Chief Engineer, as required by K.A.R. 5-8-4e.
 Applicable Not Applicable
9. **The completed well log shall be submitted with the required notice.** Applicable Not Applicable
10. All diversion works into which any type of chemical or other foreign substance will be injected into the water shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The check valve(s) shall be installed, operated and maintained in accordance with K.A.R. 5-3-5c. Applicable Not Applicable
11. Additional Conditions are attached. Yes No
12. In accordance with K.S.A. 82a-708a, as amended, and K.A.R. 5-5-14, all of the owners of the authorized place(s) of use of water appropriated under the above-referenced file number are responsible for compliance with its terms, conditions and limitations, as amended and/or supplemented by this Summary Order, and with applicable provisions of the *Kansas Water Appropriation Law and the Rules and Regulations* promulgated thereunder. Failure to comply with these provisions may result in civil penalties pursuant to K.S.A. 82a-737, as amended, and/or the suspension or revocation and dismissal of the water or appropriation right or any other enforcement actions authorized by law.

Administrative Appeal and Effective Date of Order

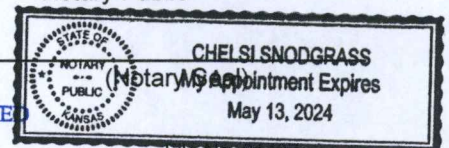
If you are aggrieved by this order, pursuant to K.S.A. 82a-1901, you may request an evidentiary hearing before the Chief Engineer or request administrative review by the Secretary of Agriculture. A request for hearing by the Chief Engineer must be filed within **15 days** of service of this Order and a request for administrative review by the Secretary must be filed within **30 days** pursuant to K.S.A. 77-531. Any request for administrative review must state a basis for review pursuant to K.S.A. 77-527. File any request with **Kansas Department of Agriculture, Legal Division, 1320 Research Park Drive, Manhattan, KS 66502**. Failure to timely request a hearing or review may preclude review under the Kansas Judicial Review Act.

For Use by Register of Deeds

FOR OFFICE USE ONLY
APPLICATION APPROVED AND SUMMARY ORDER ISSUED

By: Cameron R. Conant
Duly Authorized Designee of the Chief Engineer
(Print Name): Cameron R. Conant
Division of Water Resources - Kansas Department of Agriculture
Date of Issuance: August 11, 2021
State of Kansas)
County of Stafford) SS
Acknowledged before me on 8/11/2021
by Cameron Conant
Signature: Chelsi Snodgrass
Notary Public

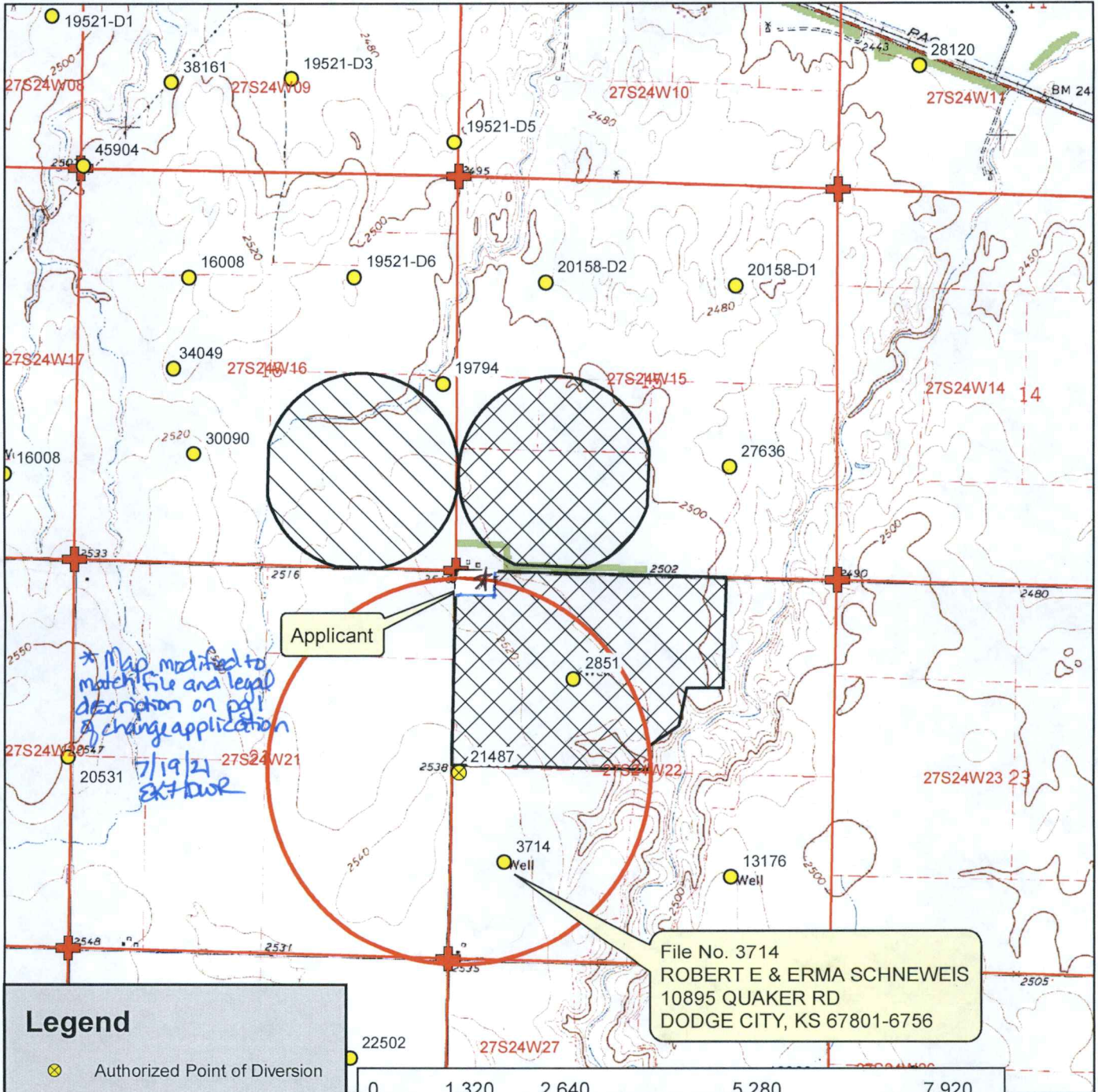
My commission expires: _____



RECEIVED

JUL 15 2021

Stafford Field Office
DIVISION OF WATER RESOURCES



Legend

- ⊗ Authorized Point of Diversion
- Water Appropriations
- 1/2 Mile Buffer
- ★ Domestic Well
- Section Line
- ⊕ Section Corner

Place of Use

- ▨ Authorized
- ▨ Proposed

File No. 3714
 ROBERT E & ERMA SCHNEWEIS
 10895 QUAKER RD
 DODGE CITY, KS 67801-6756

Water Right, File No. 21487
 Change in Place of Use, Application Map
 16/15/22-27S-24W // Ford County

To the best of my knowledge, all water wells including domestic, within 1/2 mile of the authorized point of diversion have been shown.



RECEIVED
 JUL 15 2021

Signature _____

Stafford Field Office
300 S. Main Street
Stafford, KS 67578-1521



Phone: 620-234-5311
Fax: 620-234-6900
www.agriculture.ks.gov

Mike Beam, Secretary

Laura Kelly, Governor

August 11, 2021

Ross William Loudon
1577 Belford Rd
Reno, NV 89509-3907

Re: Water Right, File No(s). 2851,19794,21487

Dear Water Right Owner:

Enclosed is the order executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the application for change under the above referenced file number(s).

Your attention is directed to the enclosures and to the terms, conditions and limitations specified in this approval for change. An acceptable water flow meter must be installed on your well before any water is applied as authorized under this change approval. A copy of the approved list of Certified Water Flowmeters as well as the regulations regarding the installation of flowmeters, measurement tubes and check valves can be found at www.ksda.gov/includes/document_center/dwr/Forms/ApprovalPack.pdf. If you do not have access to the internet, please contact this office and we will send you a paper copy of the referenced information.

Since this order modifies the original document referred to above, it should be recorded with the Register of Deeds as other instruments affecting real estate.

Any abandoned well must be plugged in accordance with the requirements of Article 30 of the Rules and Regulations as adopted by the Kansas Department of Health and Environment.

Should you have any questions, please feel free to contact this office. If you wish to refer to a specific file, please reference it when you contact us.

Sincerely,

A handwritten signature in black ink that reads "Jeff Lanterman".

Jeff Lanterman
Water Commissioner

Enclosures

pc: Water Rights Section
Groundwater Management District No.

CERTIFICATE OF SERVICE

On this **11th** day of **August, 2021**, I hereby certify that the attached Change in Place of Use for Water Right, File No. **2851, 19794, 21487**, dated **August 11th, 2021** was mailed via First Class U.S. mail to the following:

Ross William Loudon
1577 Belford Rd
Reno NV, 89509-3907

A copy of the letter was sent via electronic mail to the following:

Aaron Gerdes
GMD 3



Staff

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: August 10, 2021

FROM: Elizabeth K Fitch

RE: Water Right, File Nos. 2851, 19794 &
21487

Aaron Gerdes, on behalf of KayAnn Loudon Pilling and Ross William Loudon as owners of the referenced files authorized for irrigation use, has submitted three (3) applications for approval to change the authorized place of use. All owners of record signed all three (3) applications.

The referenced files appear to be in compliance with K.S.A. 82a-732. *Annual water use report required; penalty for violations.* A review of the applications found that they comply with K.A.R. 5-5-1, *Filing an application for change.* The referenced files do not appear abandoned as per K.S.A. 82a-718. *Abandonment of water rights; notices; hearing; review of action; exceptions.*

File No. 2851 and 21487 currently share an authorized place of use on at total of 335 acres. There are 134 acres in the Southwest Quarter of Section 15 and 201 acres the North Half (N½) of Section 22, both in Township 27 South, Range 24 West, Ford County. All legal descriptions from here on are in Township 27 South, Range 24 West, Ford County.

File No. 19794 does not have a place of use overlap and authorizes 136 acres in the Southeast Quarter (SE¼) of Section 16.

File No. 2851 authorizes one (1) groundwater well near the Center West side of the East Half of the Northwest Quarter (CW E½ NW¼) of Section 22, more specially described as 3,934 feet North and 3,564 feet West of the Southeast corner of said section. This well is authorized for 447 acre-feet (AF) at 750 gallons per minute (gpm). The authorized point of diversion will not be modified and there are no overlaps on this well. The base acres were not determined for this file. A recent compliance inspection is not on file. This file is certified.

File No. 19794 authorizes one (1) groundwater well in the Northeast Quarter of the Northeast Quarter of the Southeast Quarter (NE¼ NE¼ SE¼) of Section 16, more specially described as 2,520 feet North and 200 feet West of the Southeast corner of said section. This well is authorized for 177 AF at 645 gpm. The authorized point of diversion will not be modified and there are no overlaps on this well. The base acres were not determined for this file. A recent compliance inspection is not on file. This file is certified.

File No. 21487 authorizes one (1) groundwater well in the Southwest Quarter of the Southwest Quarter of the Northwest Quarter (SW¼ SW¼ NW¼) of Section 22, more specially described as 2,650 feet North and 5,130 feet West of the Southeast corner of said section. This well is authorized for 360 AF at 1,080 gpm. File No. 21487 is limited to 620 AF when combined with File No. 2851. The authorized point of diversion will not be modified and there are no overlaps on this well. The base acres were not determined for this file. A recent compliance inspection is not on file. This file is certified.

File No. 2851, 19794 & 21487
Change in P/U Memo
August 10, 2021

The referenced change applications, received on July 15, 2021, propose to create a complete place of use overlap under the associated water rights. No modifications are being made to the currently authorized acres. The combined acres for the three (3) water rights will be 471 acres located in Sections 15, 16 and 22.

As noted, the base acres were not determined per K.A.R. 5-5-11 because no new/additional acres are being added with the complete place of use overlap being created.

The proposed changes will result in a maximum quantity of 797 AF irrigating 471 acres, resulting in an irrigation ratio of 1.69 AF per acre. It would appear this irrigation ratio is reasonable as the ratio is less than the pre-2000 maximum quantity per acre of 2.0 AF for Ford County found in K.A.R. 5-3-19, *Maximum reasonable annual quantity for water for irrigation use*, thus complying with K.A.R. 5-3-23, *Maximum reasonable annual quantity approvable for irrigation use for an application for change in place of use and a request to reduce a water right*. The generally accepted minimum quantity per acre for Ford County is 1.34 AF per acre, so the proposed quantity also meets this threshold.

Since the referenced applications to change the place of use proposes to create a complete overlap of the authorized places of use and no new acres are being added, water well owners within one-half mile of the authorized point of diversion were not notified of the proposed change in place of use (EKF Memo dated 07/16/2021).

The referenced water rights are in the Arkansas River IGUCA.

The referenced water rights are in the Southwest Kansas Groundwater Management District No. 3 (GMD3), so a recommendation request was sent to the District on July 19, 2021. A response was received from GMD3 Assistant Manager, Jason Norquest on August 10, 2021. In his response, Mr. Norquest recommended approval for the change applications filed under each of the referenced file numbers.

No structures permit appears to be needed.

A water flow meter is required for each point of diversion. A check valve is required if any chemical or foreign substance is injected into the water through the diversion works.

Based on the above discussion, that the change is reasonable, that impairment to existing water rights is unlikely, and that no change in the local source of supply will occur, it has been recommended that applications are approved.

Elizabeth K Fitch
Environmental Scientist - SFFO